



Re: Alternative JR 36 Meeting Date in Case of Inclement Weather
Shawn Mitchell

to:

Jennifer Gilroy

04/18/2013 07:10 AM

Hide Details

From: Shawn Mitchell <sdmitchelllaw@gmail.com>

To: Jennifer Gilroy <jennifer.gilroy@state.co.us>

Dear Members of the Committee:

Thank you for the renewed invitation for Mr. Neville to meet with the committee and provide further information. Mr. Neville respects your role and authority to review alleged ethical violations. I write to clarify once more why he respectfully declines further participation.

The General Assembly has unquestioned authority under the state and federal Constitutions to set rules to govern its procedures and to preserve good order. But no rule or action may infringe basic constitutional rights to speech and to petition government.

At his first appearance, Mr. Neville provided requested information and answered extensive questions from this committee. It was established beyond doubt that he did nothing disorderly; he made no threat of violence or financial or other improper reprisal against a lawmaker. The final prong of Rule 36, "political reprisal," however, is different. Mr. Neville respectfully submits that a rule that purports to prohibit advising of a "political" response to a lawmaker is a blatant violation of core First Amendment rights.

The questions during Mr. Neville's testimony confirms the threat to free speech, and to the chilling of the right to petition government. Committee members asked him about how his organization selected lawmakers for mailings, how it determined the positions of lawmakers, how it decided what information to convey to the public.

Such intrusive questioning of a citizen organization's political thinking is akin to a strip search of the group's efforts to petition government. It is incompatible with the First Amendment.

There is a journalist in Denver right now standing on principle and risking jail in widely publicized case. She recognizes that interrogating her in court about her sources and her communications with them chills her important reporting work and threatens the right of free speech. Mr. Neville submits that the inquiries this committee proposes and has already made similarly delve into protected areas of the right to petition government. He cannot participate in that abuse.

Thank you for your attention to these concerns.

Shawn Mitchell

Attorney for Joseph Neville

On Tue, Apr 16, 2013 at 11:18 AM, Jennifer Gilroy <jennifer.gilroy@state.co.us> wrote:

Hi Mr. Mitchell -

Please be advised that Senator Aguilar has let us know that if the Senate has a late start tomorrow like it did today due to snow, then the Joint Rule 36 investigating committee will not meet at 7:30 tomorrow, but rather will meet at 7:30 Thursday morning, April 18th.

Either I or another member of staff will attempt to contact you in that event. We have this email address and the following telephone number for you: (303) 464-9409. If you would prefer to be texted or contacted at another number, please let me know.

Thank you for your attention to this matter.

Sincerely,

Jennifer Gilroy
Revisor of Statutes
Office of Legislative Legal Services
303.866.4327